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10 BAYER HEALTHCARE PHARMACEUTICALS,
11 INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THEODORE EAZER and SUE EAZER,
Plaintiffs,
v.
BAYER HEALTHCARE
PHARMACEUTICALS, INC.; BAYER
SCHERING PHARMA AG; GE
HEALTHCARE, INC.; GE
HEALTHCARE AS; MALLINCKRODT,
INC.; and BRACCO DIAGNOSTICS,
INC.,
Defendants.

Case No. CV 09 4732 EMC

**STIPULATION OF PLAINTIFFS AND
DEFENDANT BAYER HEALTHCARE
PHARMACEUTICALS, INC. TO EXTEND
TIME FOR DEFENDANT TO FILE A
RESPONSIVE PLEADING ; ORDER**

Pursuant to Local Rule 6-1 of the United States District Court for the Northern District of California, and based on the agreement between counsel for Plaintiffs Theodore and Sue Eazer and Defendant Bayer Healthcare Pharmaceuticals, Inc., it is hereby stipulated as follows:

The parties agree that the period of time within which Defendant Bayer Healthcare Pharmaceuticals, Inc. may answer or otherwise respond to the Complaint is extended until after the case is transferred to *In Re: Gadolinium Based Contrast Agents Products Liability Litigation*, MDL No. 1909, Case No. 1:09-gd-50000-DAP (“MDL”), pending in the United States District Court of the Northern District of Ohio. Upon transfer, Defendant Bayer Healthcare

1 Pharmaceutical, Inc's obligation to file a responsive pleading will be governed by Case
2 Management Order No. 5 issued in the MDL.

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4 Dated: November 3, 2009

DRINKER BIDDLE & REATH LLP

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6 By: /s/ Rodney M Hudson
7 Rodney M. Hudson

8 Attorneys for Defendants
9 BAYER HEALTHCARE
PHARMACEUTICALS, INC.

10 Dated: November 3, 2009

LEVIN SIMES KAISER & GORNICK LLP

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12 By: /s/ Laura Brandenberg
13 Laura Brandenberg

14 Attorneys for Plaintiffs
15 THEODORE EAZER and SUE EAZER

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17 IT IS SO ORDERED:

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20 Edward M. Chen
U.S. Magistrate Judge

